

TROY, MI 48084-3107

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,333	12/12/2001	Thomas R. Tudor	SEA-147-D	4153
7:	590 09/01/2005		EXAM	INER
ATTN: Andrew R. Basile		FETSUGA, ROBĖRT M		
YOUNG & BA	SILE, P.C.			
SUITE 624			ART UNIT	PAPER NUMBER
3001 WEST BIG BEAVER ROAD			3751	-

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action							
Before the F	iling of an Appe	al Brief					

Application No.	Applicant(s)	-00
10/023,333	TUDOR ET AL.	
Examiner	Art Unit	
Robert M. Fetsuga	3751	

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Intel REPLY FILED 23 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  I. ★ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following replies of the final rejection.  a) ★ The period for reply expires 2 months from the mailing date of the final rejection.  b) ★ The period for reply expires 2 months from the mailing date of the final rejection.  The period for reply expires 3 months from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITH TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension are been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension for 37 CFR 1.136(a) reply received by the Office later than three months after the mailing date of the final rejection, even if timef any reduce any earned patent term adjustment. See 37 CFR 1.704(b).  SOTICE OF APPEAL  1. ★ Proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because appeal; and/or  (a) ★ They raise new issues that would require further consideration and/or search (see NOTE below);  (b) ★ They raise the issue of new matter (see NOTE below);  (c) ★ They raise the issue of new matter (see NOTE below);  (d) ★ They raise and definition and claims without cancelling a c	or (3) owing ter. In N fee on fee
<ul> <li>I. ∑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment this application, applicant must timely file one of the following replies: (1) an amendment, affidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the folic time periods:</li> <li>a) ∑ The period for reply expires 2 months from the mailing date of the final rejection.</li> <li>b) ☐ The period for reply expires 2 months from the mailing date of the final rejection, or (2) the date set forth in the final rejection, whichever is la no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITH TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</li> <li>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extensionater 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or etforth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> <li>UOTICE OF APPEAL</li> <li>□ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(a), to avoid dismissal of the appeal. 3 a Notice of Appeal and seen filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</li> <li>AMENDMENTS</li> <li>AMENDMENTS</li> <li>The proposed amendment(s) filed after a final rejection, but prior to the date of filing a</li></ul>	or (3) owing ter. In N fee on fee
this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the folic time periods:  a) The period for reply expires 2 months from the mailing date of the final rejection.  b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is la no event, however, will the statutory period for reply expires that than STX MONTH'S from the mailing date of the final rejection. Examiner Note: (16 box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITH TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension are been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension and trace are provided by the Office later than three months after the mailing date of the final rejection, even if timel any reduce any earned patent term adjustment. See 37 CFR 1.704(b).  MOTICE OF APPEAL  C) The Notice of Appeal was filed on	or (3) owing ter. In N fee on fee
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is la no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITH TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a) and the appropriate extension have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension flave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension flave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension flave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension flave been filed is the date of the final rejection, even if time!  MOTICE OF APPEAL  I have notice of Appeal was filed on	fee on fee (2) as
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITH TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension are been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension and extension in the status of the final three months after the mailing date of the final rejection, even if timely are deuce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  In the Notice of Appeal was filed on	fee on fee (2) as
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension flower of the corresponding amount of the fee. The appropriate extension flower of the corresponding amount of the fee. The appropriate extension flower of the corresponding amount of the fee. The appropriate extension flower of the corresponding amount of the fee. The appropriate extension flower of the corresponding amount of the fee. The appropriate extension flower of the corresponding amount of the fee. The appropriate extension flower of the corresponding amount of the fee. The appropriate extension flower of the corresponding amount of the fee. The appropriate extension flower of the fee. The appropriate extension flower of the corresponding amount of the feel within the file flower of the file of	n fee (2) as
nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension inder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; one forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely never duce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL  2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the defiling the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. It is a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  **MENDMENTS** 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filling a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below);  (c) ☑ They arise the issue of new matter (see NOTE below);  (c) ☑ They arise not deemed to place the application in better form for appeal by materially reducing or simplifying the issues appeal; and/or  (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: new term added to the claims. (See 37 CFR 1.116 and 41.33(a)).  4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324 of the Applicant's reply has overcome the following rejection(s):  ———————————————————————————————————	n fee (2) as
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  B. A The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: new term added to the claims. (See 37 CFR 1.116 and 41.33(a)).  1. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324 Departs) applicant's reply has overcome the following rejection(s):  3. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment cancelling non-allowable claim(s).  5. Newly proposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 1-6.8-18 and 20-22.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE	
The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: new term added to the claims. (See 37 CFR 1.116 and 41.33(a)).  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  Applicant's reply has overcome the following rejection(s):	ite of Since
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: new term added to the claims. (See 37 CFR 1.116 and 41.33(a)).  4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324 Applicant's reply has overcome the following rejection(s):  5. ☐ Applicant's reply has overcome the following rejection(s):  6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling non-allowable claim(s).  7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE	
(c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues appeal; and/or  (d)  They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: new term added to the claims. (See 37 CFR 1.116 and 41.33(a)).  1. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324 Applicant's reply has overcome the following rejection(s):  2. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling non-allowable claim(s).  7. ★ For purposes of appeal, the proposed amendment(s): a) ★ will not be entered, or b) ★ will be entered and an explanation how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 1-6,8-18 and 20-22.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE	
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: new term added to the claims.  (See 37 CFR 1.116 and 41.33(a)).  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-3245. ☐ Applicant's reply has overcome the following rejection(s):  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling non-allowable claim(s).  For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 1-6,8-18 and 20-22.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE	for
NOTE: new term added to the claims. (See 37 CFR 1.116 and 41.33(a)).  4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324 5. ☐ Applicant's reply has overcome the following rejection(s):  5. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling non-allowable claim(s).  7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 1-6,8-18 and 20-22.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE	
The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324 Applicant's reply has overcome the following rejection(s):    Applicant's reply has overcome the following rejection(s):   Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling non-allowable claim(s).   For purposes of appeal, the proposed amendment(s): a)   will not be entered, or b)   will be entered and an explanation how the new or amended claims would be rejected is provided below or appended.   The status of the claim(s) is (or will be) as follows:   Claim(s) allowed:   Claim(s) objected to:   Claim(s) rejected: 1-6,8-18 and 20-22.   Claim(s) withdrawn from consideration:   AFFIDAVIT OR OTHER EVIDENCE	
Applicant's reply has overcome the following rejection(s):  Applicant's reply has overcome the following rejection(s):  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling non-allowable claim(s).  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 1-6,8-18 and 20-22.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE	Δ
Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling non-allowable claim(s).  Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling non-allowable claim(s).  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 1-6,8-18 and 20-22.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE	<i>)</i> ·
non-allowable claim(s).  7. ➤ For purposes of appeal, the proposed amendment(s): a) ➤ will not be entered, or b) □ will be entered and an explanation how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 1-6,8-18 and 20-22.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE	na the
how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 1-6,8-18 and 20-22.  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE	
Claim(s) objected to: Claim(s) rejected: 1-6,8-18 and 20-22. Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE	of
Claim(s) rejected: 1-6,8-18 and 20-22. Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE	
Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE	
AFFIDAVIT OR OTHER EVIDENCE	
because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessar was not earlier presented. See 37 CFR 1.116(e).	∌d y and
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).	de a
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER	
11. 🗌 The request for reconsideration has been considered but does NOT place the application in condition for allowance becau	se:
12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)  13.  Other:	
Robert M. Fetsuga Primary Examiner	

Art Unit: 3751